

March 11, 2013

MEMORANDUM TO: R. W. Borchardt  
Executive Director for Operations

Margaret M. Doane  
General Counsel

FROM: Andrew L. Bates, Acting Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-12-0168 – CALVERT CLIFFS  
3 NUCLEAR PROJECT, LLC & UNISTAR NUCLEAR  
OPERATING SERVICES, LLC (CALVERT CLIFFS NUCLEAR  
POWER PLANT, UNIT 3), DOCKET NO. 52-016-COL, PETITION  
FOR REVIEW OF LBP-12-19

The staff should provide a fresh assessment on issues relating to foreign ownership including recommendations on any proposed modifications to guidance or practice on foreign ownership, domination, or control that may be warranted. As part of this generic review, the staff should obtain stakeholder views and present staff's conclusions and recommendations in a voting paper for Commission review and approval. This voting paper should be provided to the Commission no later than December 31, 2013, and include recommendations on the path forward, recognizing that the Commission would provide formal notice and opportunity for public comment should it propose to endorse or make significant changes in policy.

The staff's assessment should include, but not necessarily be limited to, the following issues:

The limitation on foreign ownership contained in section 103d of the Atomic Energy Act and the potential to satisfy statutory objectives through an integrated review of foreign ownership, control, or domination issues involving up to and including 100 percent indirect foreign ownership; criteria for assessing proposed plans or actions to negate direct or indirect foreign ownership or foreign financing of more than 50 percent but less than 100 percent, and the adequacy of guidance on these criteria; the availability of alternative methods such as license conditions for resolving – following issuance of a combined license – foreign ownership, control or domination concerns; and the agency's interpretation of the statutory meaning of "ownership," and how that definition applies in various contexts, such as total or partial foreign ownership of a licensee's parent, co-owners, or owners who are licensed to own but not to possess or operate a facility.

cc: Chairman Macfarlane  
Commissioner Svinicki  
Commissioner Apostolakis  
Commissioner Magwood  
Commissioner Ostendorff  
OGC  
CFO  
OCA  
OPA  
Office Directors, Regions, ACRS, ASLBP (via E-Mail)